IN THE UNITED STATES BANKRUPTCY COURT District of Puerto Rico

| In the Matter of: | |
|---------------------------|-----------------------|
| MELISSA DE HOSTOS ALVAREZ | Case No. 12-00857 MCF |
| Debtor(s) | Chapter 13 |

OPPOSITION TO MOTION BY BANCO POPULAR FOR RELIEF FROM AUTOMATIC STAY

TO THE HONORABLE COURT:

The undersigned, attorney for the above-named debtor, notifies the Court as follows,

- 1. On July 2013 creditor Banco Popular filed a motion requesting lift of stay on debtor's residential real estate property. In its motion creditor represented that debtor was behind in post-petition payments up to July 2013. Debtor paid those arrears and agreed to modify plan after confirmation in order to include attorney's fees charged in the motion. The PCM is still pending because creditor has not amended claim to include those attorney's fees as requested by the trustee. W do not consider appropriate to file an amended claim on behalf of Banco Popular because there the bank is already represented by attorney.
- In January 7, 2014 creditor filed another motion seeking the lift of stay alleging that debtor has accumulated arrears for November 2013, December 2013 and January. Creditor is again charging \$500.00 as attorney's fees.
- 3. We consider this last request for lift of stay a harassment from creditor because November was already included in a payment debtor made on November 29. At that time debtor visited Banco Popular facilities and was told that in order to be current she needed to pay \$2,0074.80. She prepared a money order and paid exactly that amount. However, in the motion for relief of stay creditor is trying to collect the month of November and January that still is covered by the grace period. That behavior makes evident that December 2014 is the only month in default and there is no reason to file a motion requesting lift of stay just for one month merely to charge additional attorney's fees (evidence of payments are included since July through November 2012 together with a table of payments to illustrate how payments should have been applied). Debtor will pay December 2013 and January 2014 not later than next January 16.

WHEREFORE, we respectfully request from this Honorable Court to take notice of the informed above and deny motion requesting relief of stay.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this same date a true and exact copy of the foregoing has been field with the Clerk of the Court that will be notified to the Chapter 13 Trustee José R. Carrión Morales and all other appearing parties using the Court's CM/ECF system.

In Vega Baja, Puerto Rico, on this January 12, 2014

s/ Juan O. Calderon Lithgow **JUAN O. CALDERON LITHGOW** ATTORNEY FOR DEBTOR, 205607 APARTADO 1710 VEGA BAJA, PR 00694-1710 TEL.: 787-858-5476

Email: caldlithlaw@gmail.com

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AND 20/100

TWO THOUSAND FORTY EIGHT DOLLARS

BANCO POPULAR.

HIS DOCUMENT HAS A VOID PANTOGRAPH - BORDER CONTAINS MICROPRINTING AND A TRUE WATERMARK - HOLD TO LIGHT TO VERIFY WATERMARK

BANCO POPULAR DI PUERTO RICO PO Box 362708 San Juan, Puerto Rico 00936-2708 Sucursal Bayamon Oeste 240 20130716

OFFICIAL CHECK

Check No. 103124000021103 Date 07/16/2013

whorized Signature

ORDER OF HHI 0.1

BPPR

REATELLE: MELISSA DE HOSTOS ALVAREZ FOIC Member and Federal Reserve System

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BANCO POPULAR

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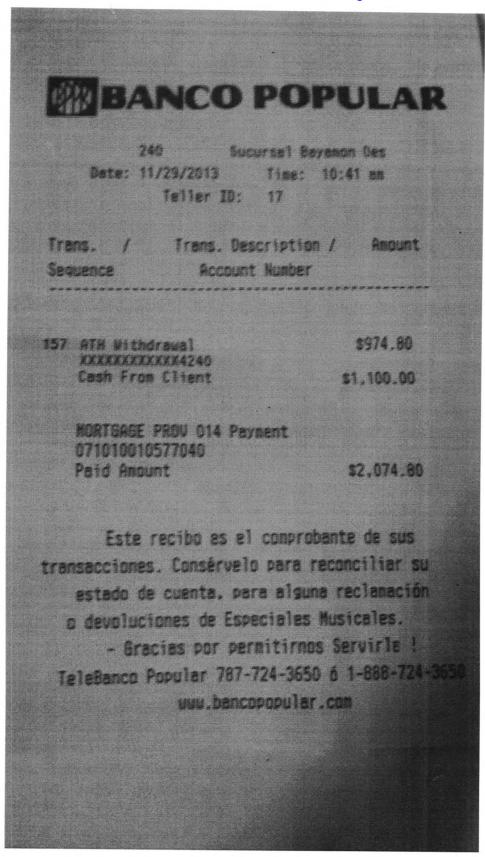
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\$595.00

Este recibo es el comprobante de sus transacciones. Consérvelo para reconciliar su estado de cuenta, para alguna reclamación o devoluciones de Especiales Musicales. - Gracias por permitirnos Servirle! TeleBanco Popular 767-724-3650 ó 1-888-724-3650 uww.bancopopular.com

A405to 2013

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| Propósito del Pago: | |
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